IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.201 OF 2006.
IN

FAMILY COURT APPEAL NO.88 OF 2003

Sau. Ratnamala C. Vidhate ..Applicant

versus

Shri Chandrakant B. Vidhate
& Another ..Respondents.

Mr. A.A.Garge for the Applicant

Mrs.A.A.Agarwal for the Respondent No.1.

Mrs. Indrayani Kpoarkar i/b.Shri N.P.Deshpande i/b. U.G.Deshpande for the Respondent No.2

Coram : S.B.Mhase &
S.R.Sathe, JJ.
Dated : 5th October, 2006

P.C.

. Heard both sides.

2. This is an application under Order 41 Rule 27 to bring on record the additional evidence i.e. evidence in respect of second marriage and the issues born out of the circumstances of the respondent-husband with Hemlata. The learned Counsel submitted that the amendment has been carried out in the written statement making the pleadings in respect of the second marriage and the

issues in respect of the second marriage and the said amendment is carried out and therefore in order to support the same, evidence is necessary and therefore the documentary evidence in support of the same is necessary and therefore in the interest of justice the Civil Application be allowed and evidence be taken on record.

3. Learned Counsel Mrs. Agarwal vehemently opposed for taking the evidence on record. However, the fact remains that these documents show that certain issues have been born to Hemlata from the respondent Chandrakant. These documents will therefore help to show the relationship of the said Hemlata with the respondent and therefore, we find that in the interest of justice these documents are necessary to be brought on record and therefore we allow the civil application.

4. As to whether these documents are to be directly executed and or further evidence is to be recorded in the matter will be decided when we hear the first appeal.

5. Application disposed of accordingly.

6. Learned Counsel Mrs. Agarwal requested for stay of the matter. However, this matter is part heard matter, hence we do not find it appropriate to grant the stay at this stage and the prayer is rejected.

(S.R.Sathe, J.) **(S.B.Mhase, J.)**